

**REMARKS**

Claims 1-28, 30-44, and 46-49 are present in this application. Claims 1, 23, 25, and 26 are independent claims.

Claims 29 and 45 are canceled. Claims 46-49 are added.

**§ 101 Rejection**

Claims 44 and 45 have been rejected under 35 U.S.C. § 101. Applicant has amended claim 44 and canceled claim 45. Applicant requests that the rejection be reconsidered and withdrawn based on the claim as amended.

**§ 102(e) Rejection – Goldhor**

Claims 1, 6, 9, 10, 44, and 45 have been rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 6,625,656 (Goldhor).

Claims 2, 8 and 11-22 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Goldhor in view of U.S. Patent 7,197,557 (Asar) and U.S. Patent 6,691,312 (Sen).

Claims 23 and 24 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Goldhor, in view of U.S. Patent 5,838,668 (Okada).

Claims 25-28 and 30-43 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Goldhor in view of Asar and Sen.

Claim 29 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Goldhor in view of Asar, Sen, and U.S. Patent 5,678,229 (Seki)

Applicant has amended claims 1, 23, 25, and 26 to incorporate the element “electric power supply controller.” Applicant traverses the rejection based on the claims as amended.

The present invention relates to an intermittent communication method which can reduce power consumption. In particular, an objective of the present invention is a communication method which can reduce power consumption during streaming playback, while a requirement for reception buffer memory capacity can be met (original specification at pages 4-5).

The Office Action alleges that Goldhor, Asar, and Sen disclose all claimed features with the exception of being silent with respect to an electric power supply controller for stopping electric power supply to the inter-node communicator during rest time of intermittent communication (Office Action at page 26). Instead the Office Action alleges that Seki's power supply controller 108 teaches the claimed "electric power supply controller."

Claim 1

According to the present specification, an aspect of the present invention is that electric power supply control is performed during a non-transmission time based on a current intermittent transmission schedule of the data being transmitted intermittently. In particular, power supply controller 111 stops power supply to wireless communicator 110 after the end of data transmission from base station 121 to wireless communication terminal 101 in one period until the start of the next period (original specification at page 48, line 21 to page 49, line 3).

On the other hand, Seki discloses that a power supply control (i.e. sending a halt signal to the computer 1) is performed when detecting a voltage fall of the battery 107 (col. 4, lines 32-37).

Also, according to the present specification, the electric power supply stops the supply of electric power.

On the other hand, Seki discloses that its power supply control stops sending data (col. 4, lines 35-37).

In order to clarify these differences, claim 1 has been amended. Applicant submits that Goldhor, Asar, Sen, and Seki, either alone or in combination, fail to disclose "electric power

supply stop step for stopping electric power supply to an inter-node communicator during a non-transmission time based on a current intermittent transmission schedule of the data being transmitted intermittently,” as recited in claim 1 as amended.

Accordingly, Applicant requests that the rejection of claim 1 be reconsidered and withdrawn.

### Claim 23

Claim 23 recites an element of “a communicator for transmitting the transmission schedule to the transmitting side.”

The Office Action relies on Okada for teaching transmitting the transmission schedule to the transmitting side (Office Action at page 17). In particular, the Office Action alleges that the host station 6 of Okada teaches the claimed “communicator” of the data communication apparatus, and that a satellite communications node in Figs 1 and 2 of Okada constitutes the claimed “transmitting side.”

To the contrary, the claim requires that a data communication apparatus for storing data into a buffer memory and playing the data stored in the buffer memory, is the apparatus having the communicator. Applicant submits that Okada’s host station, for example, does not play back data stored in a buffer memory.

Thus, Applicant submits that Okada fails to at least make up for the deficiency of Goldhor of failing to teach the claimed communicator for transmitting the transmission schedule to the transmitting side.

Furthermore, claim 23 has been amended to include the element of “an electric power supply controller for stopping electric power supply to the communicator during a non-transmission time based on the intermittent transmission schedule.” For the reasons stated in the above for claim 1, Applicant submits that Goldhor and Okada, as well as Seki, either alone or in combination, fail to disclose each and every claimed element.

Accordingly, Applicant requests that the rejection of claim 23 be reconsidered and withdrawn.

Claims 25 and 26

Claims 25 and 26 have been amended to incorporate the subject matter of claim 29.

Claims 25 and 26 recite a data communication apparatus comprising an inter-node communicator for transmission of a transmission schedule to and for reception of data from a communication partner appliance, and a schedule judging portion for transmitting via the inter-node communicator a transmission schedule of the data to the communication partner appliance.

The Office Action relies on an embodiment in Goldhor having an intermediate server node 250 (Fig. 11) for teaching the claimed inter-node communicator and refers to the user system 317 as teaching the claimed communication partner appliance. However, the Office Action relies on Sen for teaching the claimed schedule judging portion for transmitting to the inter-node communicator a transmission schedule of the data. In other words, the Examiner alleges that Goldhor's intermediate server node 250 could constitute a child node for receiving a transmission schedule of data, as taught in Sen.

To the contrary, Sen teaches transmission of a schedule to each child (see col. 5, lns. 8-11). Sen is primarily directed to determining transmission schedules for each node in a distribution tree (see first paragraph under "Detailed Description" at col. 3).

On the other hand, claims 25 and 26 require a data communication apparatus that utilizes an inter-node communicator for transmission of a transmission schedule to a communication partner appliance and for receiving data from the communication partner appliance for storage in the buffer memory.

For at least these reasons, Applicant submits that Goldhor, Asar and Sen, either alone or in combination, fail to disclose each and every claimed element recited in claims 25 and 26.

Furthermore, claims 25 and 26 has been amended to include the features of claim 29. For the reasons stated in the above for claim 1, Applicant submits that Goldhor, Asar and Sen, as well as Seki, either alone or in combination, fail to disclose each and every claimed element.

Accordingly, Applicant requests that the rejection of claims 25 and 26 be reconsidered and withdrawn.

### **New Claims**

Claims 46-49 have been added. New claim 46 finds support in the specification at page 36, line 25 to page 37, line 10.

New claims 47 and 49 find support in the specification at page 38, lines 18-19.

New claim 48 finds support in the specification at page 46, line 24, to page 47, line 7.

The new claims present additional features for the inventions of claims 1, 23, 25, and 26. At least for the reasons above, Applicant submits that the new claims are patentable as well.

### **CONCLUSION**

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact **Robert Downs** Reg. No. 48,222 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

Application No. 10/522,748  
Amendment dated June 20, 2008  
Reply to Office Action of February 22, 2008

Docket No.: 1152-0316PUS1

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.147; particularly, extension of time fees.

Dated: June 20, 2008

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